IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8900 of 2005

Between:

1. M.Narayanamma, W/o.Late, M.Chendrayudu,
   D.No.25-304/E, Momin Veedhi, Old Town, Ananthapur.
2. Narayanaswamy, S/o.Chennakasavulu,
   D.No.25-302/A Momin Veedhi, Old Town, Ananthapur.

... PETITIONERS

AND

1 Municipal Commissioner, Ananthapur Municipal office,
Ananthapur Town.
2 The Chairman, Anantapur Municipal office, Ananthapur Dist.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ one in the nature of writ of Mandamus directing the respondents not to evict the petitioners without due process of law and direct the respondents to allot alternate site for the living of the petitioners in the interest of justice.

Counsel for the Petitioners: MRCHETLURU SREENIVAS

Counsel for the Respondents: MR.S.I.NEWTON

The Court at the stage of admission made the following:

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ORDER:

The petitioners, who claim to be in possession of the small extent of land situated in Momin Veedhi, Old Town, Anantapur, filed this writ petition aggrieved by the alleged action of the respondents in seeking to evict them high-handedly.

Though the petitioners do not claim any ownership, it is pleaded that they have been in occupation of the small extents of land for the past ten years wherein they have erected their houses and have been residing. It is also stated that they were also allotted door numbers to their houses and they are paying requisite tax and therefore, the action of the respondents in seeking to dispossess them high-handedly, is arbitrary and illegal.

Heard the learned counsel for the petitioners and the learned standing counsel Mr.S.I. Newton, appearing for the respondents.

Having regard to the facts and circumstances of the case, without expressing any opinion as to the entitlement of the petitioners to continue in possession of the land in question, the writ petition is disposed of with a direction to the respondents not to interfere with the possession of the petitioners, in respect of the houses in question, without following the due process of law.

The Writ Petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 21-04-2005

Note: Issue operative portion by wire at party's costs.

B/o.

LSK

To

1 The Commissioner, Ananthapur Municipal office,
Ananthapur Town.
2 The Chairman, Anantapur Municipal office, Ananthapur Dist.

3 Two C.D. copies.